

1 STATE OF CONNECTICUT
2 CONNECTICUT SITING COUNCIL

3
4 Petition No. 1101
5 New Cingular Wireless, PCS, LLC, Petition for
6 a Declaratory Ruling That No Certificate of
7 Environmental Compatibility and Public Need
8 is Required to Install a Stealth Rooftop
9 Telecommunications Tower on the Roof of the
10 Existing Building Located at 79 Park Avenue,
11 Danbury, Connecticut.

12
13 Council Meeting held at the Danbury City
14 Hall, Council Chambers, 155 Deer Hill Road,
15 Danbury, Connecticut, Tuesday, August 19,
16 2014, beginning at 4 p.m.

17

18 H e l d B e f o r e:

19 ROBERT STEIN, Chairperson

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1 A p p e a r a n c e s:

2 Council Members:

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4 DANIEL P. LYNCH, JR.

5 LARRY LEVESQUE, ESQ.

6 PURA Designee

7 ROBERT HANNON,

8 DEEP Designee

9

10 Council Staff:

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12 Executive Director and

13 Staff Attorney

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21 By: CHRISTOPHER B. FISHER, ESQ.

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23

24

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1 THE CHAIRPERSON: Ladies and
2 gentlemen, if I may, I'd like to call to
3 order this hearing of the Connecticut Siting
4 Council today, Tuesday, August 19, 2014, at
5 approximately 4 p.m.

6 My name is Robert Stein. I'm
7 Chairman of the Connecticut Siting Council.
8 Other members of the Council here are
9 Mr. Hannon, designee from the Department of
10 Energy and Environmental Protection;
11 Mr. Levesque, designee from the Public
12 Utilities Regulatory Authority; Mr. Ashton;
13 Mr. Lynch; members of the staff, Attorney
14 Bachman, our Executive Director, and David
15 Martin, our siting analyst.

16 This hearing is held pursuant
17 to the provisions of Title 16 of the
18 Connecticut General Statutes and of the
19 Uniform Administrative Procedure Act upon a
20 petition from New Cingular Wireless PCS, LLC,
21 for a declaratory ruling that no certificate
22 of environmental compatibility and public
23 need is required to install a stealth rooftop
24 communications tower on the roof of an
25 existing building located at 79 Park Avenue,

1 Danbury, Connecticut. The petition was
2 received by the Council on May 1, 2014.

3 As a reminder to all,
4 off-the-record communication with a member of
5 the Council or a member of the council staff
6 upon the merits of this petition is
7 prohibited by law.

8 A party to the proceeding is
9 New Cingular Wireless, Attorney Fisher,
10 representative.

11 We will proceed in accordance
12 with the prepared agenda, copies of which are
13 available here. Also available are copies of
14 the Council's Citizen Guide to Siting Council
15 Procedures. At the end of this afternoon's
16 session, we will recess and resume again at
17 6:30 p.m. The 6:30 p.m. hearing will be
18 reserved for the public to make brief oral
19 statements into the record.

20 I wish to note for those who
21 are here and for the benefit of you friends
22 and neighbors who are unable to join us for
23 the public comment session, that your or they
24 may send written statements to the Council
25 within 30 days of the date hereof, and such

1 written statements will be given the same
2 weight as if spoken at the hearing. A
3 verbatim transcript will be made of this
4 hearing and deposited with the city clerk's
5 office in Danbury for the convenience of the
6 public.

7 And I wish to call your
8 attention to those items shown on the hearing
9 program marked as Roman numeral I-D, Items 1
10 through 58. Does the Petitioner have any
11 objection to the items that the Council has
12 administratively noticed?

13 MR. FISHER: No objection.

14 THE CHAIRPERSON: Accordingly,
15 the Council hereby administratively notices
16 the existing documents, statements and
17 comments.

18 Will the Petitioner please
19 present the witness panel for the purpose of
20 taking the oath?

21 MR. FISHER: Yes. Good
22 afternoon, Chairman and members of the
23 Council. Attorney Christopher Fisher on
24 behalf of the Petitioner, New Cingular
25 Wireless. We have three witnesses this

1 afternoon. Mr. Robert Foley, a professional
2 engineer with Dewberry; Mr. Anthony Wells
3 with C Squared systems; and also Mr. Eric
4 Dahl who's the site acquisition specialist
5 for AT&T.

6 If Ms. Bachman would swear
7 them in at this time.

8 A N T H O N Y W E L L S,

9 R O B E R T J. F O L E Y,

10 E R I C D A H L,

11 called as witnesses, being first duly
12 sworn by the Executive Director, were
13 examined and testified on their oaths
14 as follows:

15 MR. FISHER: Chairman, we have
16 a few items listed in the hearing program
17 under Roman numeral II-B." They're one
18 through eight. They include the petition,
19 the responses to council interrogatories, a
20 supplemental submission made in June,
21 correspondence from my office in June, a
22 second supplemental submission from
23 August 12, an affidavit of signposting and a
24 public hearing presentation for later this
25 evening, and also the resume of all the

1 witnesses.

2 If you'll accept them for
3 identification, I'll have them authenticated.

4 THE CHAIRPERSON: Okay.

5 Well, then please continue to
6 verify the exhibits.

7 THE WITNESS (Foley): Thank
8 you, Chairman.

9 I'll ask each of the
10 witnesses, did you prepare and assist in the
11 preparation of the documents just identified
12 in the hearing program?

13 THE WITNESS (Dahl): Yes.

14 THE WITNESS (Foley): Yes.

15 THE WITNESS (Wells): Tony
16 Wells, yes.

17 MR. FISHER: And do you have
18 any corrections or modifications that you
19 have identified in reviewing them in the
20 preparation for today's hearing?

21 THE WITNESS (Dahl): No.

22 THE WITNESS (Foley): Robert
23 Foley. No.

24 THE WITNESS (Wells): Tony
25 Wells, no.

1 MR. FISHER: And as such, are
2 they true and accurate to the best of your
3 belief?

4 THE WITNESS (Dahl): Eric
5 Dahl, yes.

6 THE WITNESS (Foley): Robert
7 Foley, yes.

8 THE WITNESS (Wells): Tony
9 Wells, yes.

10 MR. FISHER: And other than
11 the correspondence from my office, do you
12 adopt it here today as your testimony?

13 THE WITNESS (Dahl): Eric
14 Dahl, yes.

15 THE WITNESS (Foley): Robert
16 Foley, yes.

17 THE WITNESS (Wells): Tony
18 Wells, yes.

19 MR. FISHER: Chairman, we'd
20 ask that you accept the documents as evidence
21 at this time.

22 THE CHAIRPERSON: Thank you.

23 The exhibits are made part of
24 the record.

25 (Exhibits II-B-1 through

1 II-B-8: Received in evidence - described in
2 index.)

3 THE CHAIRPERSON: We'll now
4 begin with cross-examination first by staff,
5 Mr. Martin.

6 MR. MARTIN: Thank you,
7 Mr. Chairman.

8 CROSS-EXAMINATION

9 MR. MARTIN: Could you explain
10 how you arrived at the power density analysis
11 for the penthouse apartments on the top of
12 the building? And explain how I shouldn't be
13 worried if I live in those apartments with
14 the antennas at the same level?

15 THE WITNESS (Wells): We use
16 a -- a program that we developed in-house
17 that takes into account several factors.
18 Normally, as you know, if you're doing a
19 tower type of analysis and you're 8 -- say
20 80 feet above ground level evaluating the
21 ground level you do what's referred to as a
22 far-afield analysis.

23 If you're doing a rooftop
24 analysis in relative close proximity, you
25 need consider both near-field analysis and

1 far-afield because the antenna has not
2 formed, has -- has not shaped the signal yet
3 in the near field. So it's somewhat of a
4 complicated analysis explained in -- in one
5 of the reports that we submitted with the
6 details behind those calculations, which are
7 industry accepted calculations.

8 But the summation of it is
9 that because of the fact that the antennas
10 are transmitting away from that penthouse
11 and -- and the antennas themselves form the
12 signal such that it transmits away from that,
13 that the signal is significantly weakened
14 behind those antennas, thus making it well
15 below the FCC limits.

16 And -- and that is -- one
17 thing that we did not do is add in the
18 building losses. If you actually measured
19 that or if you included the building losses,
20 for example, the -- the signal propagating
21 through cement or wood, or whatever the
22 structure happens to be, you'll see that
23 typically weaken anywhere from a magnitude of
24 a factor of 10 to a factor of 20. So even --
25 even the calculations here are

1 overestimations of what you measure there.

2 MR. MARTIN: Because typically
3 at a typical tower you typically see three
4 sectors, so you get 360-degree coverage.
5 Would antennas at this facility be pointed
6 towards the penthouse? Would they be kind of
7 configured so they really don't cover that
8 sector?

9 THE WITNESS (Wells): In
10 this -- in this case they're located
11 basically above that penthouse and all
12 transmitting away -- away from that.

13 MR. MARTIN: Yeah, but they
14 would still be the typical three-sector
15 configuration?

16 THE WITNESS (Wells): I'm
17 sorry. I was -- I was thinking of a separate
18 penthouse.

19 So the same calculations I
20 referenced before apply to that as -- as
21 well. And some of the antennas are generally
22 pointed in that direction, but again, the --
23 the same calculations that we perform
24 near-field, far-afield combinations still
25 apply there. And again even without the --

1 taking into consideration the building
2 obstruction losses to the signal, you're
3 still only -- you're significantly below the
4 FCC levels.

5 MR. MARTIN: Okay. Similarly,
6 you recently submitted than a similar
7 analysis for the school grounds and with the
8 results showing significantly below the FCC
9 limit. So this is the same type of analysis
10 based on, I guess in this case, far-afield
11 analysis?

12 THE WITNESS (Wells): Yes.
13 This -- this is because of the distance, now
14 you are in the far-afield and it's more
15 closely related in the typical tower type of
16 calculations. And even with those you'll see
17 in the table provided that the maximum point
18 is 6.6 percent.

19 And that's a calculated value
20 that assumes that all the transmitters are
21 transmitting a hundred percent all the time,
22 which is a very rare case. And that
23 basically the antennas pointed there with
24 some off-beam loss, but the -- and again,
25 even under the worst-case conditions you're

1 6.6 percent of the standard. So -- and then
2 typically, when we go out and take
3 measurements, we're well below that as well.

4 MR. MARTIN: Okay. That was
5 my next question. Do you often get a chance
6 to go out and measure the actual signal
7 strengths after an installation has been
8 completed?

9 THE WITNESS (Wells): Yes, we
10 do. And we looked back at a couple of sites
11 that we had done recently. And for example,
12 one site we had calculated values of over a
13 hundred percent, about 109 percent. And the
14 actual measured value was 2.38 percent.

15 And another site we did we
16 calculated 314 percent of the measured value,
17 and the actual measured value was 21 percent.
18 So -- and that's -- that's not uncommon
19 because we do take into account all the
20 worst-case possible factors that vary, that
21 I've never seen, never -- in all the sites
22 we've measured I've never seen them come
23 close to the calculated values.

24 MR. MARTIN: Okay. Thank you.

25 And looking for a site to

1 cover this section of Danbury did you
2 consider any other properties or buildings in
3 this general area?

4 THE WITNESS (Dahl): Yes.
5 Initially RF was looking for a site that
6 approached 150 feet to fulfill our coverage
7 software. And because of the limitations
8 with what's available in the area, as well as
9 the neighboring airport, we were limited to a
10 height above ground here.

11 So we did look at a number of
12 other locations. Village Square Condos is a
13 complex that's adjacent to Summit Park West.
14 There's no existing structure which would
15 provide -- the height required there would
16 have to be a new tower. And, once again,
17 we'd be limited with the -- with the
18 proximity to the airport with the height
19 there.

20 We did look at Putnam Tower,
21 which is northeast of Summit Park West.
22 That's located at 25 Beaver Street. That's
23 an existing about a hundred-foot apartment
24 building. And that site did not work for RF
25 because of the proximity to an adjacent site,

1 so that not meet our coverage objective here.

2 We looked at the Danbury Mill,
3 which is an existing smokestack at 55 Oil
4 Mill Road. It's about a 55-foot smokestack.
5 That, too, did not meet the coverage
6 objective for this, this ring. And then we
7 looked at a couple commercial properties
8 northwest of the search area, 71 Lake Avenue
9 and 93 Lake Avenue. These are both
10 commercial properties. And we ran the
11 propagation for the proposed 50-foot poles,
12 you know, new towers, and those locations did
13 not work as well.

14 So basically we -- we
15 identified or evaluated seven locations here
16 including the -- the candidate that we're
17 proposing today.

18 MR. MARTIN: All right. Thank
19 you.

20 And getting back to the
21 school, the measures and levels that you
22 calculated, those are all on the outside of
23 the school. If you were to calculate the
24 levels inside the school, you'd have to
25 account for the building loss?

1 THE WITNESS (Wells): That is
2 correct. Yeah, again with school buildings
3 typically cement-built, cement-built brick
4 type of buildings, you're generally looking
5 at additional signal losses on a factor of 10
6 to 20.

7 MR. MARTIN: Okay. And do you
8 plan any kind of noise attenuation for the
9 generator that would be located next to the
10 dumpster site?

11 THE WITNESS (Foley): Robert
12 Foley. The generator itself would be in a
13 manufacturer's noise and weatherproof
14 enclosure. The make/model is not specified
15 as of yet.

16 Typically, for the units of
17 this size that are installed to support, you
18 know, these -- a facility of this nature, you
19 know, it can be expected that, when it's
20 running, the noise rating is at approximately
21 70 decibels at 7 meters, you know, roughly a
22 little over 20 -- 20 feet. One thing we can
23 investigate is adding some additional noise
24 baffling.

25 The generator is also further

1 enclosed inside a fence. Some baffling could
2 be put inside that to attenuate that -- that
3 noise that may be emanating from that piece
4 of equipment.

5 MR. MARTIN: Okay. Thank you.

6 And have you had an
7 opportunity to assess what the potential
8 impact of the tower extension would be on the
9 school property?

10 THE WITNESS (Foley): That,
11 from a -- I guess from a -- from what? From
12 what perspective of the evaluation?

13 MR. MARTIN: Well, how
14 noticeable would this extension of the
15 stairwell be from the school property?

16 THE WITNESS (Foley): Okay. I
17 understand now. The -- the extension of that
18 stairwell penthouse is 14 feet vertically in
19 the same footprint as that setback piece of
20 that stair tower.

21 You know, the intent is
22 currently to use RF transparent siding, you
23 know, basically matching that current white
24 vinyl siding that is up there. The specific
25 details or, you know, actual architectural

1 details of that vertical extension of the
2 penthouse have not been designed in detail
3 yet. The intent is to match, to mimic the
4 current, you know, architectural motif of
5 that penthouse with the 14-foot extension.

6 In terms of what it would look
7 like, say, from the direction of the school,
8 you know, basically just very, very similar
9 to identical to what's out there now with
10 exception of the vertical piece, you know,
11 being that basically an additional story
12 height above, you know, what it is currently
13 at in regards to height.

14 MR. MARTIN: Thank you.

15 Those are my questions,
16 Mr. Chairman.

17 THE CHAIRPERSON: Thank you.

18 We'll now go to
19 cross-examination by Council members.

20 Mr. Ashton?

21 MR. ASHTON: Thank you,
22 Mr. Chairman.

23 Only a couple of questions.
24 After visiting the site, and would I be
25 correct in assuming that there is no

1 involvement with any floodplain whatsoever, a
2 hundred year, 500 year, MPF, or what have
3 you?

4 THE WITNESS (Foley): Robert
5 Foley. No, there is not. We're pretty much
6 high and dry, so to speak, at this location.

7 MR. ASHTON: Going back to the
8 architectural treatment of the tower, would
9 that be something we can address or should
10 address in a development and management plan
11 if that, in fact, is approved?

12 THE WITNESS (Foley): Yeah.
13 That could be -- that could be done.

14 During the site visit earlier
15 this afternoon, there was some discussion
16 perhaps of adding some architectural
17 detailing to the extension such as faux
18 windows, you know, or some type of, you know,
19 cornice type of arrangement just so it isn't
20 just a white vinyl siding edifice.

21 MR. ASHTON: I thought a
22 window or a weathervane or something like
23 that would jazz it up.

24 THE WITNESS (Foley): Yeah,
25 something to -- something to dress it up.

1 MR. ASHTON: Okay. I believe
2 I'm correct that there is -- the electrical
3 supply for this would be through an
4 underground service off the driveway, not off
5 a pole line on the street itself.

6 THE WITNESS (Foley): That
7 is -- that is correct. What's proposed is an
8 underground connection between the -- from
9 the generator in the location midpoint on the
10 property near the -- the trash enclosure area
11 there, existing now, and the wireless room in
12 that front basement corner. It would be an
13 underground electric through there. Any --
14 any other associated utilities would need to
15 be underground or follow the present routing
16 from the street.

17 MR. ASHTON: And the last
18 question I have would be, is there a plan to
19 have a barrier of some sort so that the
20 emergency generator would not be a target for
21 an errant car?

22 THE WITNESS (Foley): We can
23 certainly -- yeah. Right now we're
24 showing --

25 MR. ASHTON: Everything but a

1 Humvee, and --

2 THE WITNESS (Foley): We're
3 showing fencing but, you know, bollards
4 basically back of that existing asphalt curb
5 line could certainly be installed.

6 MR. ASHTON: Thank you.

7 Nothing further.

8 THE CHAIRPERSON: Mr. Hannon?

9 MR. HANNON: Thank you,
10 Mr. Chair.

11 I just have one question. I'd
12 like to get a little more detail on sort of
13 the rationale of the thought process in the
14 alignment of the antenna having to deal with
15 both the penthouse units on one side of the
16 building and the school on the other. So I'm
17 just curious as to sort of the thought
18 process that went into that in how to align
19 the antenna.

20 THE WITNESS (Wells): The
21 antenna alignment is -- is primarily
22 determined by the coverage objective and
23 where -- where service is needed. It's
24 because of the building construction and the
25 length of the building you don't necessarily

1 want to shoot all the way across from one end
2 of the building to the other. So that also
3 plays into effect with the antenna alignment.
4 But those -- those are the two primary
5 considerations.

6 MR. HANNON: Okay. So in
7 terms of some of the questions that we've
8 heard with the radio frequency associated
9 with the school property and things of that
10 nature, if I remember correctly the antenna
11 are directed, not at the school, but it's
12 sprayed out from the building sort of across
13 the street. And the school would be, if I
14 get the dimension, I think southwest of that.
15 So the beam is going more directly south?

16 THE WITNESS (Wells): So we're
17 determining the exact orientation. The --
18 the orientation wasn't -- it was not
19 necessarily chosen to point away from the
20 school by purpose, because if you look at the
21 distance, and again the calculations that we
22 performed and the fact that you're so far
23 below those, the -- the FCC levels at that
24 distance and assuming that there is -- there
25 isn't any tree loss, building loss, et

1 cetera, and we're already well within the FCC
2 guidelines.

3 But if we -- if we do look at
4 the, you know, orientations here, I
5 believe -- yeah. So yeah, you're kind of in
6 the knoll between the two antennas which --
7 which does help reduce the level somewhat.
8 But typically in the type of installation
9 like this, if we were to measure before and
10 after levels, you really wouldn't see an
11 increase. Even though, you know, we're
12 showing 6 percent, again, it -- we would
13 probably measure less than 2 percent at the
14 school.

15 And typically -- sometimes
16 we'll do an after measurement and we'll --
17 we'll pay attention to what we refer to as
18 local maximums. I don't want to refer to
19 them as hotspots, because they're so far
20 below the limit they're not really hot. You
21 know, it's -- they're just a local maximum.
22 You'll be measuring around, and you'll see,
23 you know, 1 and a half, 1 percent and then
24 you'll -- you'll notice a larger value of,
25 say, 4 or 5 percent of the standard.

1 And then, typically, you look
2 up and what you see is transformer on a
3 telephone pole. And people don't often --
4 you know, people think, well, look, we have a
5 new structure in the area and not being
6 familiar with the technology or the fact that
7 this is relatively low-power technology,
8 people sometimes get alarmed and not
9 realizing that their own environment is
10 probably already higher than -- than what we
11 would introduce into the environment from
12 transformers, Wi-Fi systems in your home, you
13 know, even baby monitors, garage door
14 openers, all these things produce RF at safe
15 levels, but that it's just -- it's just the
16 state of the technology today where RF is
17 used for a lot of different stuff.

18 MR. HANNON: Thank you.

19 I have no further questions.

20 THE CHAIRPERSON: Thank you.

21 Mr. Levesque?

22 MR. LEVESQUE: Good afternoon.

23 On the generator, there's so
24 many units right close by and then it's going
25 to be above the neighboring apartments that

1 are such a short distance and I'm sure they
2 don't have the most up-to-date soundproof
3 windows for older buildings.

4 Can you use something to
5 generate for your AC generator other than a
6 diesel motor?

7 THE WITNESS (Foley): I'm
8 sorry.

9 I didn't hear the very end
10 of --

11 MR. LEVESQUE: Can you use
12 something else than a diesel generator? I
13 mean --

14 THE WITNESS (Foley): Okay.
15 Something else than a diesel?

16 MR. LEVESQUE: I mean, you buy
17 so many of them. I don't know why you can't
18 order a generator that sounds as quiet as the
19 Chairman's Prius motor.

20 THE WITNESS (Foley): In
21 general, carriers prefer diesel generators
22 for their reliability and that they can
23 always bring in fuel to keep it running
24 indefinitely. That's the -- the typical
25 premise for specifying diesel.

1 You know, in -- if it's being
2 utilized in an emergency condition where the
3 commercial power has -- has gone down, you
4 know, generally I think, you know, the
5 customers of the -- of the service would be,
6 you know, happy to have their -- their, you
7 know, their phones still working in that, in
8 that capacity.

9 You know, other than that, the
10 only time the unit would be running would
11 just be just for -- for regular exercising,
12 you know, which is on the order of typically
13 a half hour to an hour once a week, or once
14 every two weeks just to make sure that the --
15 that the piece of equipment is up and
16 running.

17 But you know, the reason again
18 for -- for diesel is that -- that reliability
19 of the -- of the fuel source that, you know,
20 it can be brought in from somewhere else. A
21 natural gas unit, which is really the only
22 other, you know, fueling that -- that's
23 typically used for something of this size,
24 you know, you're at the mercy of the, you
25 know, the gas purveyor, you know, or you

1 know, propane, and that's a whole other issue
2 with a large tank necessary. And that is a
3 much more temperature affected fuel than
4 diesel is; hence, that's the reason.

5 MR. LEVESQUE: There's not
6 even any gas ones? I mean, I was out in the
7 big October snowstorm in my neighborhood in
8 Farmington for 11 days. And there were
9 people that had some relatively quiet Honda
10 gas generators, and they ran them the whole
11 time. I mean, there's many cars that are
12 lasting 300,000 miles on the motors. You
13 can't find a gas motor that runs?

14 THE WITNESS (Foley):

15 I'm familiar with those.
16 They're typically small, small units.
17 They're only -- I think the largest one of
18 that type is only 3,000 watts, where this
19 is -- it's considerably larger. And you
20 know, that -- and again this is just a
21 typical common installation for a wireless
22 communication facility.

23 MR. LEVESQUE: Sure. It just
24 seems that the generator or their lobbyists
25 got -- they're so much noisier than even the

1 motor vehicle diesels. They seem to be
2 noisier. Can't you get a better muffler for
3 them?

4 THE WITNESS (Foley): Well,
5 again, you know, it -- it's specified with
6 the -- the manufacturer's noise enclosure.
7 And it -- in terms of decibels it -- the
8 rating is about, you know, equating it to
9 a -- to a car, to a, you know, a large pickup
10 truck, you know, idling or running or -- or
11 driving down the street. Or even a, you
12 know, really any vehicle, you know, driving
13 down the street is just, you know, I think we
14 all understand it's a constant noise while
15 the unit is operating. It -- it's just a,
16 you know, frankly the nature of that
17 particular piece of equipment, you know, that
18 the industry prefers to use.

19 MR. LEVESQUE: And I've seen a
20 big variation of the vehicle noises for the
21 same horsepower.

22 Thank you very much.

23 THE CHAIRPERSON: Thank you.

24 Mr. Lynch?

25 MR. LYNCH: Just coming back

1 to the emergency generator for a second. In
2 the interrogatories you state that the
3 generator can run three to four days before
4 it has to be refilled. Now, my standard
5 question in all the hearings is, how often,
6 during regular maintenance, is this generator
7 topped off? Or is there a regular schedule
8 for topping it off so it will run three to
9 four days?

10 THE WITNESS (Foley): It would
11 be -- it's obviously the fuel level, it is
12 routinely monitored. The normal testing
13 interval, you know, is going to be, you know,
14 generally 30 minutes to an hour once every --
15 every week or two.

16 You know, I can't speak
17 specifically for, you know, operations for,
18 you know, how often that unit would be --
19 would be filled, but certainly in the case
20 of, you know, an emergency condition -- let's
21 say if we have another -- other Sandy, or,
22 you know, something similar -- hope not, but
23 should we have an event of that magnitude
24 where that unit will need to run for three or
25 four days, or more, you know, operationally

1 that's something that will certainly be, you
2 know, reviewed and monitored and, you know,
3 make sure that that tank is full.

4 MR. LYNCH: So if I'm hearing
5 you right, Mr. Foley, if we get a weather
6 warning that we have another hurricane coming
7 up the coast you would be out there refueling
8 all these emergency generators. Am I hearing
9 you right?

10 THE WITNESS (Foley): Yeah. I
11 mean, that -- that's something that there
12 are -- that the carrier has procedures in
13 that type of event, or in that type of
14 upcoming event, also to set in place to
15 confirm that they've got their backup fuel
16 supplies, you know, teed up and if -- if
17 needed to have, you know, fuel trucks coming
18 in from, you know, other, other geographies
19 that, you know, may not be in the path of the
20 event.

21 MR. LYNCH: All right.

22 Over the years, Mr. Wells has
23 educated me a lot on radio frequency
24 engineering, but on structural engineering, I
25 don't have a clue. And I'm looking at your

1 interrogatory from May 19, 2004. And in it,
2 Mr. Foley, you have a letter to Tim Burks of
3 AT&T.

4 And in the first paragraph
5 below the bullets -- I guess it's the second
6 paragraph, there's just one line -- you state
7 that using the assumption that the original
8 building was built to codes, standard code
9 practices that it would be structurally okay.

10 The word that bothers me is
11 "assumption." Wouldn't you actually verify
12 that that was the case?

13 THE WITNESS (Foley):

14 Absolutely. At -- at this
15 stage of the -- the site development process,
16 there has not been any detailed structural
17 design performed for the extension that is
18 proposed for that stair tower. When that is
19 done, that would absolutely be verified.
20 There would be no assumptions.

21 There would be, you know,
22 measurements taken, conditions specifically
23 evaluated in order to properly append/attach
24 the new proposed structure to that -- that
25 existing one.

1 MR. LYNCH: Yeah. The word
2 "assumption" just bothered me. I'm much more
3 satisfied with verified, and you said that.

4 And if we go down two more
5 sentences, the last full big paragraph,
6 you're basically stating that, you know,
7 we've done all the engineering, but if you
8 make any changes, we've got to go back and do
9 it again or AT&T is on its own. That's how I
10 read it. Am I correct there?

11 THE WITNESS (Foley): Yeah.
12 You're referring to the -- that last large
13 paragraph before the, if you have any
14 questions, where it says, you know, Dewberry
15 reserves the right to change our evaluation?

16 MR. LYNCH: Yes.

17 THE WITNESS (Foley):
18 You know, absolutely. Again,
19 recognizing that when this was written back
20 in April, you know, things could change in
21 regards to, at least conceptually, the
22 antennas that are -- that are proposed for
23 the three arrays. There, you know, could be
24 the additions, deletions, you know also
25 recognizing, too, as I said, the extension

1 has not been, you know, designed in -- in
2 specific detail.

3 And you know, once we do that
4 and perform some additional measurements and
5 evaluation and, you know, take a, you know,
6 deeper dive into it, you know, that things --
7 that that initial conclusion, you know, could
8 change, and, you know, there may be do be
9 some, you know, additional structural
10 reinforcement done to accommodate the
11 proposed installation.

12 MR. LYNCH: So if I'm hearing
13 you right, any structural changes will
14 require a new report from your engineering
15 department?

16 THE WITNESS (Foley): Well,
17 there would be a -- a more -- a much more
18 detailed set of construction documents
19 prepared for that extension proposed for the
20 roof. It would not just be the -- the set of
21 plans that's here before the Council today.

22 MR. LYNCH: All right. Thank
23 you. Like I stated, I'm just a layman when
24 it comes to engineering, so thank you.

25 That's all my questions, Mr.

1 Chairman.

2 THE CHAIRPERSON: Thank you.

3 I have a few. Well, assuming
4 this were to be approved, would there be the
5 option of collocating another carrier, or
6 would this pretty much be it?

7 THE WITNESS (Foley): At
8 present time this would be a one-carrier
9 site. The only means to, you know, I can
10 just offer, and I would have to defer to any
11 RF considerations that would be associated
12 with this, is to make this an extension, you
13 know, taller.

14 You know, and that, you know,
15 could potentially trigger, you know, some --
16 some local zoning issues. To be frank, I
17 have not, you know, specifically looked into
18 that for how that may affect or be affected
19 by, you know, the potential City of Danbury
20 zoning requirements. But at present this is
21 a single-carrier site as proposed.

22 THE CHAIRPERSON: Okay.

23 MR. FISHER: Mr. Chair, just a
24 clarification for Mr. Foley's testimony. I'm
25 not sure that it would affect -- be affected

1 by zoning regulations, but it might be
2 something that the Council would have to
3 address as far as any future aspect of height
4 here.

5 THE WITNESS (Foley): Okay.
6 Yeah, understood.

7 THE CHAIRPERSON: I assume it
8 would also significantly impact the design
9 of it.

10 THE WITNESS (Foley): Yeah.
11 Again you know, going to back to a couple of
12 questions ago, you know, that would obviously
13 be of much, potentially much more, you know,
14 involve structural design. You know, it
15 could be a little bit more reinforcement
16 required for the existing building.

17 THE CHAIRPERSON: Okay. I
18 just want to repeat just to make sure I
19 understand whatever. I guess, it's table
20 three and maybe it's a supplemental where you
21 have your distances in the RF. I just want
22 to make sure that I have this right.

23 That the closest measurement
24 to the actual school building, the closest
25 part of the school building from -- and this

1 is from where you would propose to site the
2 actual facility, is I guess that number -- is
3 it number 2 -- 267 feet? I just want to make
4 sure.

5 I mean it's number seven -- I
6 apologize -- number 7, which is 305. Is that
7 the closest?

8 THE WITNESS (Wells): The --
9 actually if you look at figure two, and that
10 should be on the next page --

11 THE CHAIRPERSON: Right.

12 THE WITNESS (Wells): -- those
13 are the points you can see -- up and toward
14 the upper left, is where the building is --
15 and the antennas in the little triangle
16 there. That's where the site is. So you can
17 see it?

18 THE CHAIRPERSON: Yeah. I see
19 that.

20 THE WITNESS (Wells): And you
21 can see point number one is actually the
22 closest, but for purposes of calculations and
23 the maximum calculated level, that would be a
24 .2, even though .20 is a little bit further
25 away, and that's due to the antenna,

1 primarily due to the antenna pairing.

2 So one is the closest and two
3 is the highest, as the crow flies, and two is
4 the highest calculated percent maximum
5 exposure.

6 THE CHAIRPERSON: Okay. But I
7 just want to -- physically which one of these
8 numbers, 1 through 14, is the closest part of
9 the actual school? Because one is the
10 property right on the corner on the street.

11 THE WITNESS (Wells): So I
12 guess that would be -- yes, .7, as you
13 alluded to me earlier. It would be at the
14 corner of the building.

15 THE CHAIRPERSON: The students
16 would be spending most of their time inside
17 of the buildings as opposed to standing on
18 the corner, I would guess.

19 THE WITNESS (Wells): Let's
20 hope so. In the -- and you see the
21 calculated value is 5.4 --

22 THE CHAIRPERSON: Right.

23 THE WITNESS (Wells): -- well,
24 approximately 5 percent or 20 times below the
25 standard for -- or for the general public.

1 And again, as we discussed earlier, that's
2 assuming you're standing outside, but if
3 you're inside, due to -- even window losses
4 these days with tinted windows and everything
5 else, it could easily be a factor of 10,
6 which would reduce that to .5 percent. But
7 again, unless you're actually doing the
8 measurements -- we do what we refer to as the
9 worst-case calculations, which again is 20
10 times the legal standard.

11 THE CHAIRPERSON: Okay. I
12 mean, generally the Council doesn't require
13 this, but if this were to be approved and
14 because of the sensitivity, despite the fact
15 that these readings in your modeling are so
16 low, would you object if the Council were to
17 then, once again, based on the ifs I just
18 mentioned, construct it, that you would
19 actually go out and test the readings to just
20 make sure?

21 THE WITNESS (Wells): There
22 would be no objection to that. You know, I'm
23 confident. We've -- this is not our first go
24 around. We've done this I don't know how
25 many times, and we're conscious --

1 THE CHAIRPERSON: Again,
2 because of potential sensitivity, not because
3 of -- okay.

4 THE WITNESS (Wells): No, I
5 understand.

6 THE CHAIRPERSON: The last
7 question is, obviously, as part of the
8 process, you notified various city officials.
9 Have you received any communication, any
10 responses from the city officials relating to
11 this?

12 MR. FISHER: Attorney Chris
13 Fisher.

14 I have had -- and I think
15 Attorney Bachman was privy to some of those
16 conversations on a procedural basis --
17 conversations with the city attorney's office
18 and the city planning department. And we did
19 not receive any formal comments on the
20 substance of this project from those parties,
21 but they are aware of the proposal.

22 And then the only other
23 comments I'm aware of from city officials are
24 ones that the Council received directly from
25 the council members.

1 THE CHAIRPERSON: Okay.

2 Mr. Ashton has a follow-up
3 question.

4 MR. ASHTON: Mr. Foley, in
5 your response to a question of Mr. Lynch, you
6 referred to the use of natural gas. I think
7 I heard you made the comment, quote, you're
8 at the mercy of the gas suppliers.

9 Would you explain that,
10 please?

11 THE WITNESS (Foley):
12 Basically, what it does is it puts the
13 fueling of the generator, again, out to a
14 third-party, the same as the commercial power
15 purveyor whose -- whose facilities went down.

16 You know, I'm not, obviously
17 not intimately familiar with the system that
18 may be in place in and around the City of
19 Danbury, but you know, while residential or,
20 you know, typical gas supply runs at
21 relatively low pressure, you know, a few psi,
22 there are in places where our pumping
23 stations and whatnot that -- that do require
24 some type of -- of power or, you know,
25 something to effect, to introduce that, that

1 pressure into that system.

2 And you know, as a -- as a
3 general rule the telecommunications industry
4 has gone in the direction of looking to use
5 diesel because they can 100 percent control
6 the supply of that -- that fuel. And it's
7 not just the telecommunications industry.
8 I -- I also have experience doing a fair
9 amount of mission-critical work in data
10 centers and, you know, that business of bits
11 and bytes, and that backup is a hundred
12 percent diesel and -- and those are
13 facilities that are at, you know, many, many
14 megawatts, where it is not atypical to have a
15 72-hour fuel supply upwards of twenty to 75
16 thousand gallons of diesel to fuel those
17 generators.

18 MR. ASHTON: Well, you claim
19 that the diesel fuel is not from a third
20 supplier. Does AT&T own the supplies?

21 THE WITNESS (Foley): No.
22 Well, AT&T doesn't own the supplies, but AT&T
23 has --

24 MR. ASHTON: Contracts.

25 THE WITNESS (Foley): --

1 contracts, obviously, with -- with fuel
2 vendors to -- to service and supply, you
3 know, these units.

4 MR. ASHTON: Are you aware
5 that natural gas compressors are driven by
6 natural gas, not by electricity?

7 THE WITNESS (Foley): That --
8 that specifically, has not -- but you know,
9 the answer that I'm -- that I'm providing in
10 my testimony is, you know, what has been
11 shared to me on numerous occasions by
12 operations personnel, you know, of both the
13 telecom carriers as well as the in-house
14 people in the mission-critical business.

15 MR. ASHTON: Okay. I'll drop
16 it. We've got to go out to a bar afterwards.

17 THE CHAIRPERSON: One last
18 question. The simulations of the visual
19 impacts, is one of them -- I assume one of
20 them is from the front of the school, but I
21 can't immediately figure out which one it is.
22 They have addresses, and I don't know whether
23 this is in the supplemental or in your
24 initial.

25 THE WITNESS (Foley): Yeah.

1 I'm sorry. I -- I'm having trouble hearing
2 across the room.

3 THE CHAIRPERSON: The visual
4 modeling or some of these simulations that
5 were done --

6 THE WITNESS (Foley): Yes.

7 THE CHAIRPERSON: -- I'm
8 trying to figure out which one, assuming one
9 of them was from, say, the front of the
10 school, the sidewalk in front of the school.

11 THE WITNESS (Foley): Yeah.
12 The -- the exhibits that were prepared, there
13 really isn't one from the front of the
14 school. I know when we were at the site --
15 site visit, you know basically there's --
16 there's a street tree canopy that partially
17 blocks the side. And when we were at the
18 site, it was looking back towards the school
19 from the sidewalk in front of the proposed
20 facility, the -- the school was just barely
21 visible through the trees, and this would be
22 a similar, I believe, would a similar type of
23 condition if we were in the opposite
24 direction, you know, standing at the school
25 in front of the school looking back towards

1 the site.

2 THE CHAIRPERSON: Okay. Thank
3 you.

4 No more questions. We'll now
5 close this portion of the hearing, but resume
6 again at 6:30.

7 Thank you.

8 (Whereupon, the witnesses were
9 excused, and the above proceedings were
10 adjourned at 4:47 p.m.)

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1 CERTIFICATE

2 I hereby certify that the foregoing 44
3 pages are a complete and accurate
4 computer-aided transcription of my original
5 verbatim notes taken of the Public Hearing in
6 Re: PETITION NO. 1101, NEW CINGULAR
7 WIRELESS, PCS, LLC, PETITION FOR A
8 DECLARATORY RULING THAT NO CERTIFICATE OF
9 ENVIRONMENTAL COMPATIBILITY AND PUBLIC NEED
10 IS REQUIRED TO INSTALL A STEALTH ROOFTOP
11 TELECOMMUNICATIONS TOWER ON THE ROOF OF THE
12 EXISTING BUILDING LOCATED AT 79 PARK AVENUE,
13 DANBURY, CONNECTICUT, which was held before
14 ROBERT STEIN, Connecticut Siting Council,
15 Chairperson, at the Danbury City Hall,
16 Council Chambers, 155 Deer Hill Road,
17 Danbury, Connecticut, August 19, 2014.

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I N D E X

WITNESSES ERIC DAHL

ROBERT T. FOLEY

ANTHONY WELLS

Page 6

CROSS-EXAMINATION

By Mr. Martin

Page 9

EXHIBITS

(Received in evidence.)

EXHIBIT

DESCRIPTION

PAGE

II-B-1

Petition for a Declaratory
Ruling, received May 1, 2014

9

II-B-2

Petitioner's Responses to
Council Interrogatories, received
on May 20, 2014

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II-B-3

Petitioner's Supplemental
Submission, received June 20, 2014

9

II-B-4

Petitioner's Correspondence to
the Council with attachments,
received June 23, 2014

9

II-B-5

Petitioner's Second Supplemental
Submission, dated August 12, 2014

9

II-B-6

Affidavit of Sign Posting,
received August 13, 2014

9

II-B-7

Public Hearing Presentation,
received August 13, 2014

9

II-B-8

Resumes of Robert J. Foley,
and Eric Dahl

9

